IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1313 OF 2004

Piush Jain and Ors. ...Petitioners.

V/s

Harshwardhan Chandraprakash Gupta ...Respondent.

Mr. V.G. Peshave for the petitioners.

Mr. M.S. Mohite for respondent No.1.

CORAM: V.M. KANADE, J.

DATE: 31st January, 2006

P.C:

1. Heard the learned Counsel for the petitioners and the learned Counsel for respondent No.1.

2. For the reasons separately recorded, the following order is passed :-

O R D E R

. Criminal Application is dismissed. Rule is discharged.

. Trial Court is directed to decide the complaint as expeditiously as possible and, in any case, within a period of six months.

. Petitioners to remain present before the trial

court on the next date i.e. 28/2/2006

. If the Petitioners - accused do not remain present, the Magistrate, if an application is made by the complainant, may take suitable steps for the purpose of securing the presence of the accused. If an application is made for issuance of non-bailable warrant on account of non-appearance by the accused, the Magistrate may issue non-bailable warrant. If even after issuance of non-bailable warrant the accused do not remain present then, in that case, if an application is filed for proclamation and for attachment of the property, suitable orders may be passed in accordance with law.

. It is, however, clarified that the Trial Court shall not be influenced by any observation which is made by this Court while deciding this application and it may not be considered or construed as an expression of opinion on the merits of the case and it is further clarified that all submissions which are made in this application by the Petitioners are kept open and they may be decided on their on merits.

V.M. KANADE, J.